

#479  
BILL NO. Z-91-07-17

ZONING MAP ORDINANCE NO. Z-15-91

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. M-46.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is  
hereby designated an B-1-B (Limited Business) District under  
the terms of Chapter 33 of the Code of the City of Fort  
Wayne, Indiana of 1974:

A parcel of land located in the Southeast One-quarter  
of Section 11, Township 31 North, Range 12 East, Allen  
County, Indiana, more particularly described as  
follows, to-wit.

COMMENCING at the Southeast corner of the Southeast  
One-quarter of Section 11, Township 31 North, Range 12  
East, Allen County; thence North 90 degrees 00 minutes  
West (basis for bearing) along the South line of said  
Southeast One-quarter a distance of 676.50 feet; thence  
North 0 degrees 50 minutes 30 seconds West a distance  
of 50.0 feet to the point of beginning.

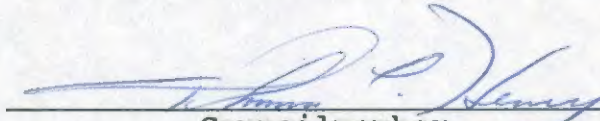
BEGINNING at the above described point; thence  
continuing North 0 degrees 50 minutes 30 seconds West a  
distance of 1283.11 feet; thence South 89 degrees 42  
minutes 40 seconds East a distance of 649.84 feet to a  
point on the existing West right-of-way line of  
Coldwater Road, said point located 30.0 feet West of  
the East line of said Southeast One-quarter; thence  
South 0 degrees 42 minutes East along said West right-  
of-way line and parallel with the East line of said  
Southeast One-quarter a distance of 709.65 feet; thence  
South 2 degrees 52 minutes 52 seconds West along said  
Westerly right-of-way line a distance of 320.19 feet;  
thence South 0 degrees 42 minutes East along said West  
right-of-way line a distance of 250.33 feet to a point  
on the North right-of-way line of Cook Road, said point  
located 50.0 feet North of the South line of said  
Southeast One-quarter; thence North 90 degrees 00  
minutes West along said North right-of-way line and  
parallel with said South line a distance of 626.62 feet  
to the point of beginning, containing 18.88 acres of  
land more or less.

and the symbols of the City of Fort Wayne Zoning Map No.M-46  
as established by Section 11 of Chapter 33 of the Code of  
the City of Fort Wayne, Indiana are hereby changed  
accordingly.

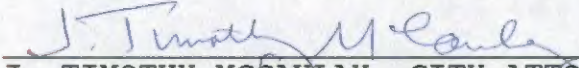


#479

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

  
J. TIMOTHY MCCAULAY, CITY ATTORNEY

FOUR STAR BOND  
SOUTHWORTH CO. U.S.A.  
25% COTTON FIBER



Read the first time in full and on motion by Henry, seconded by Edmonds, and duly adopted, read the second time by title and referred to the Committee on Legislation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATED: 7-5-91

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Edmonds, and duly adopted, placed on its passage. PASSED LOST by the following vote:

|                    | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> |
|--------------------|-------------|-------------|------------------|---------------|
| <u>TOTAL VOTES</u> | <u>5</u>    |             |                  | <u>4</u>      |
| <u>BRADBURY</u>    |             |             |                  | <u>✓</u>      |
| <u>BURNS</u>       | <u>✓</u>    |             |                  |               |
| <u>EDMONDS</u>     | <u>✓</u>    |             |                  |               |
| <u>GIAQUINTA</u>   |             |             |                  | <u>✓</u>      |
| <u>HENRY</u>       | <u>✓</u>    |             |                  |               |
| <u>LONG</u>        |             |             |                  | <u>✓</u>      |
| <u>REDD</u>        |             |             |                  | <u>✓</u>      |
| <u>SCHMIDT</u>     | <u>✓</u>    |             |                  |               |
| <u>TALARICO</u>    | <u>✓</u>    |             |                  |               |

DATED: 8-13-91

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 2-15-91 on the 13th day of August, 1991

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of August, 1991, at the hour of 11:00 o'clock A. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of August, 1991, at the hour of 3:00 o'clock P. M., E.S.T.

PAUL HELMKE  
PAUL HELMKE, MAYOR

# RECEIPT

No 10843

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND., May 30 19 91

RECEIVED FROM NEA Corp \$ 100.00

THE SUM OF One hundred and 00/100 DOLLARS

ON ACCOUNT OF Rezoning B2B to B1B

# 1069

Westfield

Scott Cassingham  
AUTHORIZED SIGNATURE

PAID BY: CASH ☐ CHECK ☒ M.O. ☐



14-46

RECEIPT NO. \_\_\_\_\_

DATE FILED May 30, 1991

INTENDED USE \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

I/We NED Corp.  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B-2-B District to a/an B-1-B District the property described as follows:

See Attached Legal Description

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: Northwest corner of Cook and Coldwater Roads

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

|                                  |                             |             |
|----------------------------------|-----------------------------|-------------|
| <u>NED Corp.</u>                 | <u>6700 E. State Blvd.</u>  | _____       |
| _____                            | <u>Fort Wayne, IN 46815</u> | _____       |
| <u>Joseph L. Zehr, President</u> | <u>(219) 749-0425</u>       | _____       |
| (Name)                           | (Address)                   | (Signature) |

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

|                       |                              |                       |
|-----------------------|------------------------------|-----------------------|
| <u>Joseph L. Zehr</u> | <u>6700 East State Blvd.</u> | <u>(219) 749-0425</u> |
| (Name)                | (Address & Zip Code)         | (Telephone Number)    |

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.



### REZONING DESCRIPTION

A parcel of land located in the Southeast One-quarter of Section 11, Township 31 North, Range 12 East, Allen County, Indiana and more particularly described as follows, to wit.

COMMENCING at the Southeast corner of the Southeast One-quarter of Section 11, Township 31 North, Range 12 East, Allen County; thence North 90 degrees 00 minutes West (basis for bearing) along the South line of said Southeast One-quarter a distance of 676.50 feet; thence North 0 degrees 50 minutes 30 seconds West a distance of 50.0 feet to the point of beginning.

BEGINNING at the above described point; thence continuing North 0 degrees 50 minutes 30 seconds West a distance of 1283.11 feet; thence South 89 degrees 42 minutes 40 seconds East a distance of 649.84 feet to a point on the existing West right-of-way line of Coldwater Road, said point located 30.0 feet West of the East line of said Southeast One-quarter; thence South 0 degrees 42 minutes East along said West right-of-way line and parallel with the East line of said Southeast One-quarter a distance of 709.65 feet; thence South 2 degrees 52 minutes 52 seconds West along said Westerly right-of-way line a distance of 320.19 feet; thence South 0 degrees 42 minutes East along said West right-of-way line a distance of 250.33 feet to a point on the North right-of-way line of Cook Road, said point located 50.0 feet North of the South line of said Southeast One-quarter; thence North 90 degrees 00 minutes West along said North right-of-way line and parallel with said South line a distance of 626.62 feet to the point of beginning, containing 18.88 acres of land more or less.

## RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 9, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-07-17; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 15, 1991.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 22, 1991.

Certified and signed this  
24th day of July 1991.



---

Robert Hutner  
Secretary



#479  
ORIGINAL

ORIGINAL

**DIGEST SHEET**

**TITLE OF ORDINANCE** Zoning Map Amendment

**DEPARTMENT REQUESTING ORDINANCE** Land Use Management - C&ED

**SYNOPSIS OF ORDINANCE** Northwest corner of Cook and Coldwater Roads.

2-91-07-17

**EFFECT OF PASSAGE** Property is presently zoned B-2-B - Community Shopping Center District. Property will become - B-1-B - Limited Business District

**EFFECT OF NON-PASSAGE** Property will remain a B-2-B - Community Shopping Center District.

**MONEY INVOLVED (Direct Costs, Expenditures, Savings)** \_\_\_\_\_

**(ASSIGN TO COMMITTEE (J.N.))** \_\_\_\_\_



**FACT SHEET**

Z-91-07-17

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Zoning Map Amendments

**APPROVAL DEADLINE****REASON**

From B2B to B1B

**DETAILS****Specific Location and/or Address**

Northwest corner of Cook &amp; Coldwater Roads.

**Reason for Project**

Existing and proposed development of the entire site is not representative of a unified (planned) shopping center, and is marketable as low intensity individual lots.

**Discussion (Including relationship to other Council actions)**15 July 1991 - Public Hearing

See Attached Minutes of Meeting

22 July 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the nine (9) members present, eight (8) voted in favor of the motion, one (1) did not vote.

Motion carried.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents**

**Applicant(s)**  
Joe Zehr, President of  
NED Corporation  
City Department

Other

**Opponents**

Groups or Individuals

Basis of Opposition

**Staff  
Recommendation**☒ For ☐ Against

Reason Against

**Board or  
Commission  
Recommendation**

By

☒ For ☐ Against  
☐ No Action Taken

☐ For with revisions to conditions  
 (See Details column for conditions)
**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass ☐ Other☐ Pass (as amended) ☐ Hold☐ Council Sub. ☐ Do not pass



**DETAILS**

**POLICY/PROGRAM IMPACT**

|                               |  |
|-------------------------------|--|
| Policy or Program Change      | <input type="checkbox"/> No <input type="checkbox"/> Yes |
|                               |  |
|                               |  |
|                               |  |
| Operational Impact Assessment |  |
|                               |  |
|                               |  |
|                               |  |

(This space for further discussion)

**Project Start**

**Date** 30 May 1991

**Projected Completion or Occupancy**

**Date** 24 July 1991

**Fact Sheet Prepared by**

Patricia Biancaniello

**Reviewed by**

*Michael A. Sapp*

**Date**

8/1/91

**Reference or Case Number**



Bill No. Z-91-07-17 - Change of Zone #479  
From B2B to B1B

The Northwest corner of Cook and Coldwater Roads.

Joe Zehr, President of the NED Corporation appeared before the Commission. Mr. Zehr stated that after reviewing the staff report, it appears to go into complete detail as to why they are requesting the change of zone he felt it unnecessary to repeat that information. He stated that he would point out that this is a direct follow up of a Commission Meeting of several weeks ago when the Commission gave them a qualified approval of a secondary development plan on this property. He stated that one of the conditions of the approval was that they follow through and downzone the property from B2B to B1B.

The information Mr. Zehr referred to from the staff report follows.

**Planning Staff Discussion:**

At the current time this planned shopping center consists of the Plantation, Redi-Med, Hook's and the Resurrection Lutheran Church. The shopping center also includes an approximate 6.5 acres of ground to the north that is under different ownership.

The previous plans had indicated a more intense commercial type of development, with a more typical "shopping center" planned layout. The developer envisions this development as being less intense, and consisting of single low volume users on independent lots. In the review process for the development plan amendment it became obvious that the current proposal is not necessarily compatible with the existing zoning, and that the B-2 designation (and associated development plan) place some restrictions on development that are not compatible with the developers proposal.

Staff had a number of concerns regarding that proposed development plan, including access to the north, dedication of streets and setback requirements along the west side of the acreage. These concerns were derived from the zoning classification, and if the parcel were rezoned it would eliminate many of these problems.

In evaluating a rezoning petition, staff weighs it against an established criteria. This criteria includes the Comprehensive Plan, the character and condition of structures and uses in the area, the highest or best use of the land, conservation of property value, and principles of responsible development and growth.

In this case, this acreage is the only commercial development in the immediate area. The northeast corner of the intersection houses an office development, and a school is located to the south. Apartments exist both to the west and east, and there is undeveloped ground to the north. Continuing north, there is a



gradual transition into single family residential.

Since the initial approval of this shopping center in the 70's, there has been little physical development. Both the existing development pattern, and the proposed development by this petitioner are based on the "single lot user" concept, and are not necessarily indicative of a planned shopping center. While the potential uses will remain the same in either zoning, the actual site development will be somewhat less restrictive in terms of procedure and site layout, and the petitioner has indicated his interest in a less intense scale of development that would be compatible with the area. Staff has evaluated the alternatives and has determined that there is a minimal impact to the immediate area based on actual and proposed development. By approval of the petition, the Plan Commission may encourage the development of this ground, while maintaining the overall character of the area.

There are two items that the staff feels need to be pointed out. First, if the petition is approved, the eventual "sell-offs" of individual lots will require the owner to plat the ground, and install various capital improvements. The petitioner is aware of this.

Secondly, the existing B-2-B zoning, which was approved in 1988, includes approximately 6.3 acres of ground which is not included in this petition. That ground is located immediately north of the petitioned site, and is not owned by the petitioners. The future use of this acreage may become a concern that the Plan Commission will have to address in the future. We would suggest that it be used as a buffer development to further maintain the residential development to the north. The existing B-2-B zoning could accomplish that, but it may prove more prudent to address that issue when this (the petitioned) acreage is fully developed.

The owner of the Plantation Flowers & Gifts appeared before the Commission. She wanted to know if the reclassifying of this area, of which her store is part of, would alter their use of the property in anyway.

It was pointed out that this reclassification would not affect their current operation.

There was no one else who wished to speak in favor of or in opposition to the proposed rezoning.



BILL NO. Z-91-07-17

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN  
DAVID C. LONG, VICE CHAIRMAN  
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of  
Fort Wayne Zoning Map No. M-46

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*David C. Long*

*Edmonds*

*DS*

DATED:

*8-13-91*

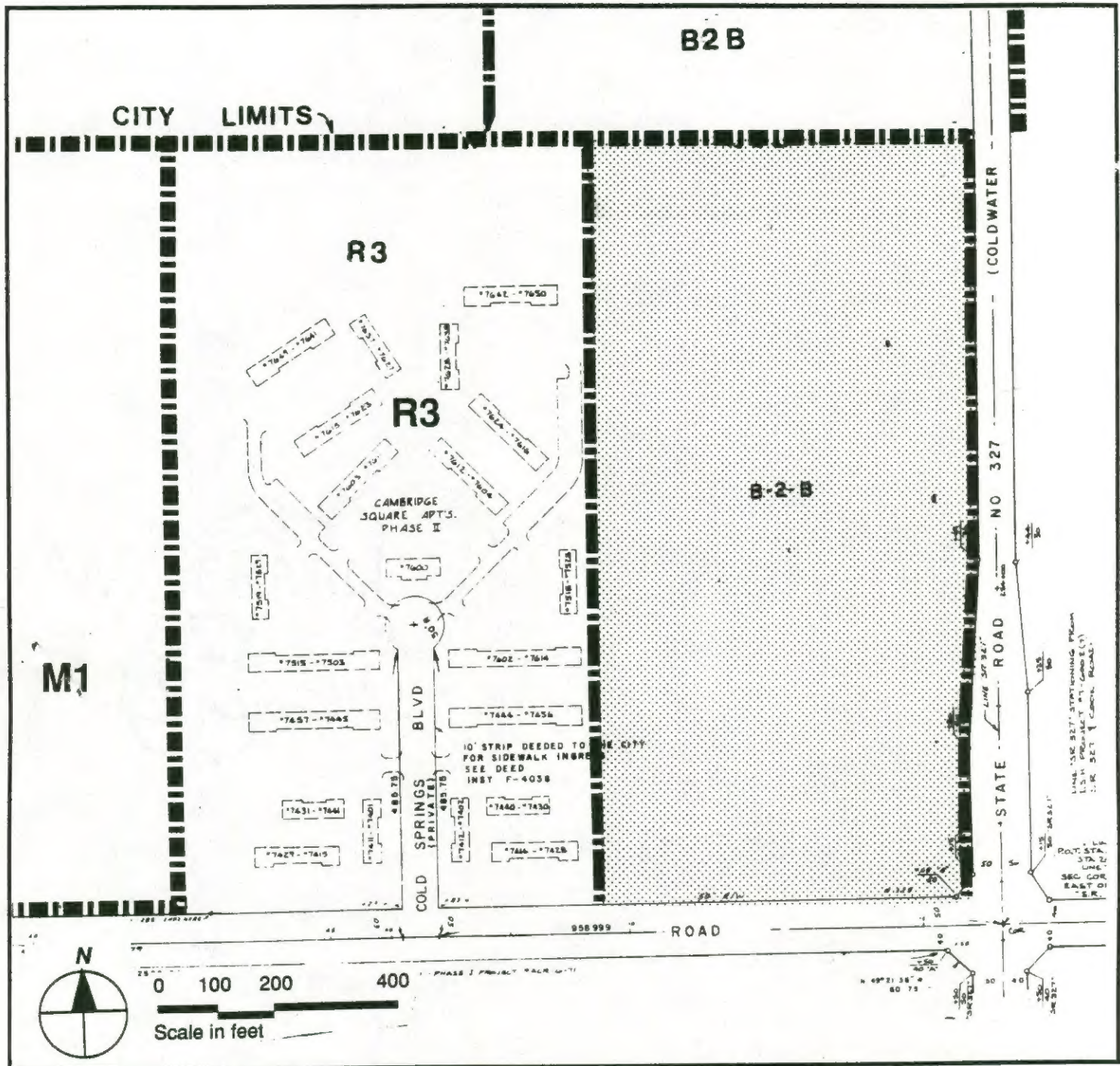
Sandra E. Kennedy  
City Clerk



# REZONING PETITION

AREA MAP

CASE NO. #479



COUNCILMANIC DISTRICT NO. 3

Map No. M-46  
LW 6-25-91

|       |                   |     |                              |     |                    |
|-------|-------------------|-----|------------------------------|-----|--------------------|
| R1    | One-Family        | B1  | Limited Business             | M1  | Light Industrial   |
| R2    | Two-Family        | B2  | Planned Shopping Center      | M2  | General Industrial |
| R3    | Multi-Family      | B3  | General Business             | M3  | Heavy Industrial   |
| RA/RB | Residential       | B4  | Roadside Business            | MHP | Mobile Home Park   |
| PUD   | Planned Unit Dev. | POD | Professional Office District |     |                    |